

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 2, 5, 6, 9, 10, 13 and 14 are pending. Claims 1, 5, 9 and 13, which are independent, are hereby amended. Claims 3, 4, 7, 8, 11, 12 and 15 are canceled, without prejudice or disclaimer of subject matter. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification, and specifically at page 21, lines 1-23 and Fig. 6. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTION UNDER 35 U.S.C. § 112

Claims 1, 5, 9 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

Applicant has amended claims 1, 5, 9 and 13, thereby obviating the rejection. Applicant respectfully requests the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 5, 9 and 13 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,734,794 to White in view of U.S. Patent No. 4,973,897 to Ohsawa and U.S. Patent No. 6,490,359 to Gibson.

Claims 2, 6, 10 and 14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over White in view of Ohsawa and Gibson, and further in view of well know prior art (MPEP 2144.03).

Claim 1 recites, *inter alia*:

“An information processing device comprising...

first judging means for judging whether or not a level of a first frequency band is above a first predetermined threshold value...

second judging means for judging whether or not a level of a second frequency band is below a second predetermined threshold value...” (emphasis added)

As understood by Applicant, U.S. Patent No. 5,734,794 to White relates to a computer based system that utilizes cues extracted from audio speech to select from among a database of stored image cells to produce synthesized animated characters. A database of image cells is created by storing the face of an actor or other character articulating some 40 phoneme sounds, in 8 different emotions from 25 different camera angles. Audio speech is then analyzed and the faces are extracted based on phoneme sounds and emotion cues within the spectral information of the speech. The position of a user operated camera controller is polled to determine a desired camera angle and the three image parameters (articulation, emotion and camera angle) are used to select an image from the database associated with the phoneme.

As understood by Applicant, U.S. Patent No. 4,973,897 to Ohsawa relates to an input signal that is divided into a plurality of frequency bands, the signal level of each of the divided frequency bands is detected, and the signal levels of frequency bands situated between the divided frequency bands are calculated, for example, by arithmetic operating circuits, from the detected signal levels of the divided frequency bands adjacent thereto, whereupon the detected signal levels of the divided frequency bands and the calculated signal levels of the frequency bands between the divided frequency bands are all displayed, for example, as respective bar graphs, so that the frequency characteristic of the input signal can be readily observed.

As understood by Applicant, U.S. Patent No. 6,490,359 to Gibson relates to a method and apparatus for mixing audio signals. Each audio signal is digitized and then transformed into a predefined visual image, which is displayed in a three-dimensional space. Audio effects added to the audio signals are transformed into predefined visual effects images, which are also displayed in a three-dimensional space. Selected audio characteristics of the audio signal, such as frequency, amplitude, time and spatial placement, are correlated to selected visual characteristics of the visual image, such as size, location, texture, density and color. Dynamic changes or adjustment to any one of these parameters, or parameters of the audio effect images, causes a corresponding change in the correlated parameter or audio effect.

Applicant submits that White, Ohsawa and Gibson - taken either alone or in combination - do not teach or suggest the above-identified features of claim 1. Specifically, Applicant submits that there is no teaching or suggestion of a first judging means for judging whether or not a level of a first frequency band is above a first predetermined threshold value

and a second judging means for judging whether or not a level of a second frequency band is below a second predetermined threshold value, as recited in claim 1.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 5, 9 and 13 are also believed to be patentable.

Therefore, Applicant submits that independent claims 1, 5, 9 and 13 are patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 

Thomas F. Presson

Reg. No. 41,442

(212) 588-0800